

all necessary officers and prescribe their powers and duties, and to have and use a common seal, which it may change at pleasure, and to have and exercise all and every power, privilege, franchise and right common or necessary to similar corporations and not inconsistent with the laws of this State or the provisions of this act.

SEC. 2. That said company be and is hereby authorized and empowered to survey, lay out, construct and equip, build, maintain and operate, by steam or other water-power, a railroad for the transportation of passengers and freight, with one or more tracks, side-tracks, switches and turn-outs from some point on the Southern Railway or Western North Carolina Railroad at or near Marion, in the county of McDowell, in said State of North Carolina, north-westwardly, by such route or routes as the directors of said company may determine, through the counties of McDowell and Mitchell to some point on the Tennessee line; and the said company is further authorized to survey, lay out, construct, build, equip, maintain and operate such branch roads, tram-roads and spur-roads as may be determined by the board of directors of said company.

SEC. 3. That for the purpose of surveying, constructing, main- Eminent domain.  
taining and operating said lines of railroads said company is hereby empowered: First. To cause such examination and surveys to be made as may be necessary to the selection of the most advantageous route or routes, and for such purpose its officers and agents, servants and employees may enter upon the land or water of any persons. Second. To take and hold such voluntary grants of real estate or other property as may be made to it to aid in the construction, maintenance and operation of its roads. Third. To purchase, hold and use all such real estate and other property as may be necessary for the construction and maintenance of its roads or stations, and all other accommodations necessary to accomplish the objects of its corporation, and to lease or buy land necessary for its use. Fourth. To lay out its road, not exceeding two hundred feet in width, and to construct the same; and for the purpose of cutting any embankments and for obtaining gravel and other materials may take as much land as may be necessary for the proper construction, operation and security of the roads, or to cut down any trees that may be in danger of getting on the track or obstructing the right of way. Fifth. To construct its road across, along or upon any stream of water, water-courses, streets, highways, canal, etc., which the route of the road shall intersect or touch. Sixth. To cross, intersect or join or unite its road with another railroad heretofore or hereafter to be constructed at any point on its route or upon the ground of any other railroad company, with the necessary turn-outs, siding and switches or other conveniences necessary in the construction of its road, and may run over any part of any other railway's right of way necessary or proper to reach its freight depot in any city, town